

By: Naishtat, Price

H.B. No. 2023

Substitute the following for H.B. No. 2023:

By: Crownover

C.S.H.B. No. 2023

A BILL TO BE ENTITLED

AN ACT

relating to the appointment of a forensic director responsible for statewide coordination and oversight of forensic mental health services overseen by the Department of State Health Services.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 532, Health and Safety Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, is amended by adding Sections 532.0024 and 532.0025 to read as follows:

Sec. 532.0024. FORENSIC DIRECTOR. (a) In this section:

(1) "Forensic patient" means a person with mental illness who is:

(A) examined on the issue of competency to stand trial by an expert appointed under Subchapter B, Chapter 46B, Code of Criminal Procedure;

(B) found incompetent to stand trial under Subchapter C, Chapter 46B, Code of Criminal Procedure;

(C) committed to court-ordered mental health services under Subchapter E, Chapter 46B, Code of Criminal Procedure; or

(D) found not guilty by reason of insanity under Chapter 46C, Code of Criminal Procedure.

(2) "Forensic services" means a competency examination, competency restoration services, or mental health

1 services provided to a current or former forensic patient in the
2 community or at a department facility.

3 (b) The commissioner shall appoint a forensic director.

4 (c) To be qualified for appointment as forensic director, a
5 person must have proven expertise in the social, health, and legal
6 systems for forensic patients, and in the intersection of those
7 systems.

8 (d) The forensic director reports to the commissioner and is
9 responsible for:

10 (1) statewide coordination and oversight of forensic
11 services;

12 (2) any programs operated by the department relating
13 to evaluation of forensic patients, transition of forensic patients
14 from inpatient to outpatient or community-based services,
15 community forensic monitoring, or forensic research and training;
16 and

17 (3) addressing issues with the delivery of forensic
18 services in the state, including:

19 (A) significant increases in populations with
20 serious mental illness and criminal justice system involvement;

21 (B) adequate availability of department
22 facilities for civilly committed forensic patients;

23 (C) wait times for forensic patients who require
24 competency restoration services;

25 (D) interruption of mental health services of
26 recently released forensic patients; and

27 (E) coordination of services provided to

1 forensic patients by state agencies.

2 Sec. 532.0025. FORENSIC WORKGROUP. (a) In this section,
3 "forensic patient" and "forensic services" have the meanings
4 assigned by Section 532.0024.

5 (b) The executive commissioner shall establish a workgroup
6 of experts and stakeholders to make recommendations concerning the
7 creation of a comprehensive plan for the effective coordination of
8 forensic services.

9 (c) The workgroup must have not fewer than nine members,
10 with the executive commissioner selecting the total number of
11 members at the time the executive commissioner establishes the
12 workgroup.

13 (d) The executive commissioner shall appoint as members of
14 the workgroup:

15 (1) a representative of the department;

16 (2) a representative of the Texas Department of
17 Criminal Justice;

18 (3) a representative of the Texas Juvenile Justice
19 Department;

20 (4) a representative of the Texas Correctional Office
21 on Offenders with Medical or Mental Impairments;

22 (5) a representative of the Sheriff's Association of
23 Texas;

24 (6) a superintendent of a state hospital with a
25 maximum security forensic unit;

26 (7) a representative of a local mental health
27 authority;

1 (8) a representative of the County Judges and
2 Commissioners Association;

3 (9) a representative of the protection and advocacy
4 system of this state established in accordance with 42 U.S.C.
5 Section 15043, appointed by the administrative head of that system;
6 and

7 (10) additional members as needed to comply with the
8 number of members selected by the executive commissioner, who must
9 be recognized experts in forensic patients or persons who represent
10 the interests of forensic patients, and who may be advocates,
11 family members, psychiatrists, psychologists, social workers,
12 psychiatric nurses, or representatives of hospitals licensed under
13 Chapter 241 or 577.

14 (e) In developing recommendations, the workgroup may use
15 information compiled by, and shall collaborate and align efforts
16 with, other workgroups in the state, especially workgroups for
17 which the focus is mental health issues.

18 (f) Not later than July 1, 2016, the workgroup established
19 under this section shall send a report describing the workgroup's
20 recommendations to the lieutenant governor, the speaker of the
21 house of representatives, and the standing committees of the senate
22 and the house of representatives with primary jurisdiction over
23 forensic services.

24 (g) The executive commissioner may adopt rules as necessary
25 to implement this section.

26 (h) The workgroup established under this section is
27 dissolved and this section expires November 1, 2019.

1 SECTION 2. Not later than November 1, 2015, the executive
2 commissioner of the Health and Human Services Commission shall:

3 (1) establish a forensic workgroup and shall appoint
4 members of that workgroup, as required by Section 532.0025, Health
5 and Safety Code, as added by this Act; and

6 (2) adopt any rules necessary for the implementation
7 of Section 532.0024 or 532.0025, Health and Safety Code, as added by
8 this Act.

9 SECTION 3. The commissioner of state health services shall
10 appoint a forensic director as required by Section 532.0024, Health
11 and Safety Code, as added by this Act, as soon as practicable after
12 the effective date of this Act.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2015.